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FAX 703 905.2820

www wrf.com

January 11, 2007

Carol A. Laham 202.719.7301 claham@wrf.com

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VIA HAND DELIVERY

Lawrence H. Norton, Esq. General Counsel Federal Election Commission 999 E Street, N.W. Washington, D.C. 20463

Re: Matter Under Review 5881 (William T. Wolf)

Dear Mr. Norton:

This response is filed on behalf of William T. Wolf in the above-captioned matter.

In short, the Complaint asserts that Mr. Wolf made excessive contributions to Club for Growth Inc. PAC ("Club PAC") in 2006, but the fact is that Mr. Wolf did not make excessive contributions. The Complaint also asserts that Mr. Wolf made contributions to Club PAC with the knowledge that such contributions would be used to support the campaign of Tim Walberg. This is untrue. The fact is that Mr. Wolf had no knowledge of how Club PAC was going to use any contributions when he made his permissible contributions.

Because the allegations against Mr. Wolf have no basis in either the facts or the law, the Federal Election Commission ("FEC" or "Commission") should find no reason to believe that Mr. Wolf violated the Federal Election Campaign Act ("Act") and dismiss the Complaint against Mr. Wolf.

THE COMPLAINT

The Complaint was filed by the campaign of Michigan candidate Joe Schwarz, Schwarz for Congress, on November 16, 2006. The Complaint makes two unsubstantiated charges against Mr. Wolf. First, the Complaint (in Count 1) alleges that Mr. Wolf made contributions in excess of \$5,000 to Club PAC in 2006. Second, the Complaint (in Count 3) alleges that Mr. Wolf, among others, "knew that a substantial portion of their contributions to CFG-PAC would, in fact, be expended to support Walberg for Congress" and, as such, "exceeded the \$2,100 limit to Walberg for Congress for the 2006 primary election".

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The Complaint attaches, as Exhibit 4, a computer disc purporting to show contribution data for contributions by certain persons to Club PAC and to Walberg for Congress. This data, along with the interpretation of the data in the Complaint, does not match the data found on the Commission's website or as found in the reports of Club PAC, also found on the Commission's website.

THE FACTS

Contrary to the allegations in the Complaint, Mr. Wolf did not engage in any conduct contrary to the Act. Mr. Wolf simply made permissible and reported contributions to Club PAC as well as earmarked contributions to several candidates.

Mr. Wolf made a \$5,000 contribution to Club PAC on April 5, 2006. Affidavit of William T. Wolf ¶ 2, dated January 11, 2007, attached hereto at Tab A [hereinafter "Wolf Aff."]. Mr. Wolf did not make any additional contributions to Club PAC in 2006. *Id*.

In addition, Mr. Wolf made the following earmarked candidate contributions in 2006, which the Complaint erroneously categorizes as contributions to Club PAC:

- June 1, 2006 \$2,100 to Calvey for Congress;
- June 16, 2006 \$1,000 to Angle for Congress; 1
- June 16, 2006 \$1,000 to Lamborn for Congress; and
- June 22, 2006 \$1,100 to Angle for Congress.²

Id. ¶ 4. (The data attached to the Complaint at Exhibit 4 mistakenly counts three of the above earmarked candidate contributions as contributions by Mr. Wolf to Club PAC itself,³ thereby incorrectly pushing Mr. Wolf over the \$5,000 yearly contribution limit for 2006 in the analysis of the Complaint.)

Two \$1,000 earmarked candidate contributions from Mr. Wolf were received on June 19, 2006, and the Complaint does not indicate which of these two candidate contributions it is mistakenly counting as a contribution to Club PAC.

Mr Wolf received a \$1,000 refund check from Angle for Congress on November 13, 2006. Wolf. Aff. ¶ 5.

With receipt dates of June 5, 2006, June 19, 2006; and June 26, 2006

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THE LAW

An individual may contribute up to \$5,000 per calendar year to a non-candidate, non-party political committee. 11 C.F.R. § 110.1(d). An individual also may contribute \$2,100 per election to a candidate for federal office subject to an aggregate limit of \$40,000 per election cycle. *Id.* §§ 110.1(b)(1), 110.5.

Section 110.1(h) of the Commission's regulations provides, in pertinent part, as follows:

(h) Contributions to committees supporting the same candidate. A person may contribute to a candidate or his or her authorized committee with respect to a particular election and also contribute to a political committee which has supported, or anticipates supporting, the same candidate in the same election, as long as--

. . .

(2) The contributor does not give with the knowledge that a substantial portion will be contributed to, or expended on behalf of, that candidate for the same election; and

. . . .

Id. § 110.1(h).

DISCUSSION

A. Mr. Wolf Did Not Make Any Excessive Contributions

The allegation in the Complaint that Mr. Wolf made excessive contributions to Club PAC is erroneous. Contrary to the faulty data attached to the Complaint at Exhibit 4 and per the data posted on the Commission's website, Mr. Wolf's contributions to Club PAC complied with the \$5,000 per-calendar-year limit contained in 11 C.F.R. § 110.1(d). Wolf Aff. ¶ 2. The other contributions by Mr. Wolf that the Complaint alleges to have been made to Club PAC were in fact earmarked candidate contributions made by Mr. Wolf through Club PAC and were reported as such. Id ¶ 4. See also pages from Club PAC reports from the FEC

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database attached at Tab B (showing earmarked contributions). The Complaint simply uses erroneous data and makes faulty deductions from such data.

B. Mr. Wolf Did Not Know How Club PAC Was To Use His Contributions

The Complaint alleges that Mr. Wolf inappropriately contributed to Club PAC because he purportedly knew that his contribution was going to be used to support Walberg for Congress. This is simply incorrect.

In contrast to the Complaint's assertions about individual contributors' knowledge about future Club PAC activity, it is clear from Mr. Wolf's sworn affidavit that he did not know how Club PAC would use contributions that it received from individuals like himself, other than to support conservative candidates generally. Wolf Aff. ¶ 3. Mr. Wolf did not have any knowledge that his contribution to Club PAC would be used for any particular campaign or to support any particular candidate, much less Walberg for Congress. Accordingly, Mr. Wolf did not make excessive contributions to the Walberg campaign by virtue of his Club PAC contributions, for he lacked the "knowledge" requirement found in 11 C.F.R. § 110.1(h).

CONCLUSION

In sum, the Commission should find no reason to believe that Mr. Wolf violated the Act and should dismiss him from this Matter. Mr. Wolf neither made excessive contributions to Club PAC nor made excessive contributions to Walberg for Congress through the operation of 11 C.F.R. § 110.1(h).

Sincerely,

Carol A. Laham D. Mark Renaud

Carl a. Lokan

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of Club for Growth, Inc. PAC et al.

MUR 5881

Affidavit of William T. Wolf

- My name is William T. Wolf, and I make the following statements to the best of my knowledge and belief.
- On April 5, 2006, I contributed \$5,000 to the Club for Growth, Inc. PAC by credit card. I did not make any additional contributions to Club for Growth, Inc. PAC in 2006.
- When I made the above-described contribution to Club for Growth, Inc. PAC, I did not know how Club for Growth, Inc. PAC might use the funds contributed other than to support conservative candidates generally,
- I also made the following earmarked candidate contributions in 2006 by personal check that relate to this Complaint:
 - June 1, 2006 \$2,100 to Calvey for Congress
 - June 16, 2006 \$1,000 to Angle for Congress
 - June 16, 2006 \$1,000 to Lamborn for Congress
 - June 22, 2006 \$1,100 to Angle for Congress
- On November 13, 2006, I received a \$1,000 refund check from Sharron Angle's campaign.

Under penalty of perjury and any other penalties possibly applicable under law, I swear that the foregoing statements are true to the best of my knowledge, belief, and recollection.

Sworn and subscribed to Before me this 11 day of

January, 2007.

Notary Public

My commission expires: August 14,000 P

COMMONWEAL IT OF PENNSYLVANIA

Notanal Seal

Cathy L. Ruby, Notary Public Manchester Twp., York County My Commission Expires Aug 14, 2008

Member, Pennsylvania Association Of Notaries



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